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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 AMAZON.COM, INC., a Delaware
10 corporation,

11 Plaintiff,

12 v.

13 ROY ORON, an individual, et al.,

14 Defendants.

Case No. C19-523 RSM

ORDER DENYING DEFENDANT
ORON'S MOTION TO DISMISS

15 This matter comes before the Court on Defendant Roy Oron's Motion to Dismiss. Dkt.
16 #27. Mr. Oron argues that the Court lacks personal jurisdiction over him. Specifically, Mr.
17 Oron maintains that Amazon "does not even allege any acts or activities by Mr. Oron related to
18 Washington.... To the contrary, all that [Amazon] alleges is that Mr. Oron allegedly owns or
19 has the ability to control foreign companies that may have received some financial benefit from
20 the allegedly improper activities of other defendants in this action." *Id.* at 7. Amazon argues
21 that, under Rule 4(k)(2), this Court has jurisdiction where Mr. Oron has contacts with the
22 United States as a whole, and not just this particular state. Dkt. #32 at 6.
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25 Amazon's Complaint alleges that Defendants exploited its brand to perpetrate a
26 widespread fraud falsely advertising work at home jobs with Amazon. Dkt. #1 at ¶ 1. The
27 scheme starts with unsolicited phone calls that claim to be recruiting for Amazon, then directs
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1 victims to websites such as amazonprofits.org and amazonwealth.org. When victims type these
2 into a browser, they are redirected through several domains controlled by an affiliate marketing
3 network based in Utah called Cash Network, LLC (“Cash Network”). *Id.* at ¶ 3. This scheme
4 eventually entices victims to purchase services of some kind. Amazon alleges that Mr. Oron on
5 behalf of himself and his companies “purchased this [web] traffic from Cash Network in order
6 to sell website services.” *Id.* at ¶ 4. Amazon alleges that he owned, operated, and financially
7 benefitted from the unlawful scheme, or in the alternative, had the right and ability to supervise,
8 direct, and control the wrongful conduct alleged in this Complaint, and derived a direct
9 financial benefit from that wrongful conduct. *Id.* at ¶ 8. Critical to these allegations is the
10 claim that Mr. Oron controlled a website or websites that victims eventually landed on. *See id.*
11 at ¶ 40. Amazon alleges that Mr. Oron is affiliated with clickomy.com and a company called
12 CPA 37 which worked with Cash Network. Amazon does not offer further allegations in their
13 Complaint connecting Mr. Oron with clickomy or CPA 37, or connecting these with the other
14 components of the scheme. Later, Amazon alleges that the domain karenvidtut.com, associated
15 with the scheme, “was hosted by an account connected to Oron.” *Id.* at ¶ 66. Similarly,
16 Amazon alleges that the domain systemsmsw.com, also associated with the scheme, was hosted
17 by an account connected to Oron. *Id.* at ¶ 68.

21 The actual facts before the Court at this early stage are relatively minimal. Mr. Oron
22 states via declaration that he is an Israeli citizen who owns multiple unnamed businesses. Dkt.
23 #27-1. He declares that these businesses do not do business in Washington State. *Id.* He states
24 that he does not own property in Washington State and last visited the state more than 35 years
25 ago. *Id.*

1 Amazon submits as an exhibit a letter from counsel representing Cash Network LLC
2 indicating that their own investigation revealed that CPA 37 was an advertiser in this scheme,
3 and that the contact person for CPA 37 was Roy Oron. Dkt. #33 at 9.

4 A declaration from investigator Niles Gooding describes the scam websites at issue in
5 this case. Dkt. #34. A declaration from investigator Wesley Brandi describes the process of
6 how these websites targeted individuals who visited them by incorporating geolocation
7 information from the visitor's IP address. Dkt. #35. Some of these websites were hosted by
8 Amazon Web Services ("AWS"), and investigation revealed that the AWS account was
9 regularly accessed by a couple of IP addresses: 82.81.36.31 and 82.81.31.117. *Id.* at ¶ 15.
10 Pertinent to the instant Motion, the investigator's declaration eventually states that Mr. Oron is
11 Facebook friends with individuals affiliated with Cash Network, LLC. *Id.* at ¶¶ 16–19. The
12 declaration also includes a screenshot from Facebook ostensibly connecting Roy Oron with a
13 telephone sales job with Clickomy in Israel. *Id.* at ¶ 20.

14 When a defendant moves to dismiss for lack of personal jurisdiction, the plaintiff bears
15 the burden of demonstrating that the court has jurisdiction over the defendant. *Pebble Beach*
16 *Co. v. Caddy*, 453 F.3d 1151, 1154, (9th Cir. 2006) (citing *Harris Rutsky & Co. Ins. Servs. v.*
17 *Bell & Clements Ltd.*, 328 F.3d 1122, 1128-29 (9th Cir. 2003)). However, this demonstration
18 requires that the plaintiff "make only a prima facie showing of jurisdictional facts to withstand
19 the motion to dismiss." *Id.* (citing *Doe v. Unocal*, 248 F.3d 915, 922 (9th Cir. 2001) (internal
20 citations omitted)). Moreover, for the purpose of this demonstration, the court resolves all
21 disputed facts in favor of the plaintiff. *Id.*

22 The general rule is that personal jurisdiction over a defendant is proper if it is permitted
23 by a long-arm statute and if the exercise of that jurisdiction does not violate federal due process.
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1 *Id.* Jurisdiction can be established by general or specific jurisdiction. The Ninth Circuit relies
2 on a three-prong test for analyzing a claim of specific personal jurisdiction: (1) The non-resident
3 defendant must purposefully direct his activities or consummate some transaction with the
4 forum or resident thereof; or perform some act by which he purposefully avails himself of the
5 privilege of conducting activities in the forum, thereby invoking the benefits and protections of
6 its laws; (2) the claim must be one which arises out of or relates to the defendant's forum-related
7 activities; and (3) the exercise of jurisdiction must comport with fair play and substantial
8 justice, *i.e.* it must be reasonable. *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797,
9 802, 2004 (citing *Lake v. Lake*, 817 F.2d 1416, 1421 (9th Cir. 1987)). The plaintiff bears the
10 burden of satisfying the first two prongs of the test. *Id.* If the plaintiff fails to satisfy either of
11 these prongs, personal jurisdiction is not established in the forum state. If the plaintiff succeeds
12 in satisfying both of the first two prongs, the burden then shifts to the defendant to “present a
13 compelling case” that the exercise of jurisdiction would not be reasonable. *Id.* (citing *Burger*
14 *King Corp. v. Rudzewicz*, 471 U.S. 462, 476-78, 85 L. Ed. 2d 528, 105 S. Ct. 2174 (1985)). “A
15 showing that a defendant purposefully availed himself of the privilege of doing business in a
16 forum state typically consists of evidence of the defendant’s actions in the forum, such as
17 executing or performing a contract there.” *Id.* The reasonableness determination requires the
18 consideration of several factors, including (1) the extent of the defendant’s purposeful
19 interjection into the forum state, (2) the burden on the defendant in defending in the forum, (3)
20 the extent of the conflict with the sovereignty of the defendant’s state, (4) the forum state’s
21 interest in adjudicating the dispute, (5) the most efficient judicial resolution of the controversy,
22 (6) the importance of the forum to the plaintiff's interest in convenient and effective relief, and
23 (7) the existence of an alternative forum. *Bancroft & Masters, Inc. v. Augusta Nat. Inc.*, 223
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1 F.3d 1082, 1088 (9th Cir. 2000), *holding modified by Yahoo! Inc. v. La Ligue Contre Le*
2 *Racisme Et L'Antisemitisme*, 433 F.3d 1199 (9th Cir. 2006).

3 A court may exercise personal jurisdiction over a foreign defendant pursuant to Rule
4 4(k)(2) when: (1) the claim arises under federal law; (2) the defendant is not subject to general
5 jurisdiction in any state; and (3) the exercise of personal jurisdiction is consistent with due
6 process. *See* Fed. R. Civ. P. 4(k)(2); *Holland Am. Line Inc. v. Wartsila N. Am., Inc.*, 485 F.3d
7 450, 461 (9th Cir. 2007) (citing *Pebble Beach Co. v. Caddy*, 453 F.3d 1151, 1158-59 (9th Cir.
8 2006)).

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10 Resolving all disputed facts in favor of Amazon, the Court finds Amazon's allegations
11 connecting Mr. Oron with the alleged scheme sufficient to establish a prima facie showing of
12 personal jurisdiction. Amazon need not establish liability at this early stage. Instead, Amazon
13 has presented facts, the result of significant investigation, which tend to show that Mr. Oron
14 was either in control of businesses and websites directly affiliated with this scheme or
15 participated in this scheme by making transactions within the United States or directed at
16 individuals or businesses in the United States. To be clear, this scheme clearly consummated
17 transactions with individuals in the United States, used AWS, and injured Amazon in the
18 United States. Mr. Oron has been sufficiently connected to CPA 37 and Clickomy, Ltd., and
19 those businesses have been sufficiently connected to the websites involved in this scheme.
20 Amazon's causes of action here undeniably relate to Mr. Oron's alleged forum-related
21 activities. After reviewing the seven factors from *Bancroft* above, the Court finds this exercise
22 of jurisdiction reasonable and consistent with due process. Mr. Oron has the burden to
23 demonstrate why jurisdiction would not be reasonable. His arguments on Reply tend to go to
24 his ultimate liability in this case rather than his activities with the United States. *See* Dkt. #37
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1 at 5–6 (arguing that he is not the owner of Clickomy and that his name on the credit cards used
2 to purchase the URLs in this case is insufficient). Mr. Oron’s point that it would be
3 inconvenient for him to travel to this forum given that he is an Israeli citizen is outweighed by
4 other factors, including the extent of Mr. Oron’s purposeful interjection into the forum state,
5 the forum state’s interest in adjudicating the dispute, the most efficient judicial resolution of the
6 controversy, and the importance of the forum to the Plaintiff’s interest in convenient and
7 effective relief. Amazon does not have to show why this lawsuit could not have been brought
8 in Israel. Amazon was allegedly injured in the United States and alleges violations of U.S. law.
9 It would be judicially inefficient to bring this suit in Israel. For all these reasons, the Court will
10 deny this Motion.
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13 The Court notes that because Mr. Oron is not subject to general jurisdiction in any state,
14 and both consumers and Amazon allegedly suffered harm in Washington State, this Court is a
15 particularly appropriate forum.
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17 Having reviewed the relevant briefing and the remainder of the record, the Court hereby
18 finds and ORDERS that Defendant Roy Oron’s Motion to Dismiss (Dkt. #27) is DENIED.
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20 DATED this 19th day of September 2019.
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23 RICARDO S. MARTINEZ
24 CHIEF UNITED STATES DISTRICT JUDGE
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